



## MONTGOMERY COUNTY ETHICS COMMISSION

Steven Rosen  
*Chair*

Kenita V. Barrow  
*Vice Chair*

**July 27, 2017**

### **Waiver 17-07-012**

Pursuant to § 19A-12(b)(1)(B) of the Public Ethics Law, a public employee must not be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver.

Ruth Kershner is a Therapist II for the Local Addiction Authority (LAA) within the Local Behavioral Health Authority (LBHA) at the Department of Health and Human Services (DHHS). She requests a waiver of the prohibition of § 19A-12(b)(1)(B) so that she can be employed as a volunteer trainer at Am Kolel, training volunteers to have meaningful visits with senior County residents with severe or end-stage dementia.

DHHS has a contract with Am Kolel through DHHS's Aging and Disability Services Division (ADSD) that provides funds for the Visitors Project for People with Dementia. While the grant from DHHS is for the specific program at Am Kolel with which Ms. Kershner wishes to work, the outside employer has provided assurances that her salary with Am Kolel will not be paid using any County funds. Ms. Kershner's job at DHHS has no relationship with the department's contract with Am Kolel, and she will have no contract procurement responsibilities in her role at Am Kolel.

Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-12(b) if the Ethics Commission concludes that the proposed employment is not likely to create an actual conflict of interest. Upon a review of the request and the Department's concurrence in and support for the waiver request, the Commission finds that there is no actual conflict of interest. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b). The waiver is conditioned on Ms. Kershner not referring, in her County capacity, DHHS clients to Am Kolel and on Ms. Kershner not working, while at Am Kolel, with any clients of her program at DHHS.

This waiver expires when the outside employment approval with which it is associated expires, unless a continuation request for outside employment is timely filed and subsequently approved by the Ethics Commission.

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In reaching this decision, the Commission has relied upon the facts as presented by Ms. Kershner.

For the Commission:



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Steven Rosen, Chair